

116TH CONGRESS
1ST SESSION

S. 2226

To require States to carry out congressional redistricting in accordance with plans developed and enacted into law by independent redistricting commissions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Ms. KLOBUCHAR (for herself, Mr. CASEY, Mr. COONS, Mrs. FEINSTEIN, Ms. SMITH, Mr. VAN HOLLEN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require States to carry out congressional redistricting in accordance with plans developed and enacted into law by independent redistricting commissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**
4 **AUTHORITY; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Redistricting Reform Act of 2019”.

7 (b) FINDING OF CONSTITUTIONAL AUTHORITY.—
8 Congress finds that it has the authority to establish the

1 terms and conditions States must follow in carrying out
 2 congressional redistricting after an apportionment of
 3 Members of the House of Representatives because—

4 (1) the authority granted to Congress under ar-
 5 ticle I, section 4 of the Constitution of the United
 6 States gives Congress the power to enact laws gov-
 7 erning the time, place, and manner of elections for
 8 Members of the House of Representatives; and

9 (2) the authority granted to Congress under
 10 section 5 of the fourteenth amendment to the Con-
 11 stitution gives Congress the power to enact laws to
 12 enforce section 2 of such amendment, which requires
 13 Representatives to be apportioned among the several
 14 States according to their number.

15 (c) TABLE OF CONTENTS.—The table of contents of
 16 this Act is as follows:

Sec. 1. Short title; finding of constitutional authority; table of contents.

TITLE I—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Sec. 101. Requiring congressional redistricting to be conducted through plan of independent State commission.

Sec. 102. Ban on mid-decade redistricting.

TITLE II—INDEPENDENT REDISTRICTING COMMISSIONS

Sec. 201. Independent redistricting commission.

Sec. 202. Establishment of selection pool of individuals eligible to serve as members of commission.

Sec. 203. Criteria for redistricting plan by independent commission; public notice and input.

Sec. 204. Establishment of related entities.

Sec. 205. Report on diversity of memberships of independent redistricting commissions.

TITLE III—ROLE OF COURTS IN DEVELOPMENT OF REDISTRICTING PLANS

Sec. 301. Enactment of plan developed by 3-judge court.

Sec. 302. Special rule for redistricting conducted under order of Federal court.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 401. Payments to States for carrying out redistricting.

Sec. 402. Civil enforcement.

Sec. 403. State apportionment notice defined.

Sec. 404. No effect on elections for State and local office.

Sec. 405. Effective date.

1 **TITLE I—REQUIREMENTS FOR**
 2 **CONGRESSIONAL REDIS-**
 3 **TRICTING**

4 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO**
 5 **BE CONDUCTED THROUGH PLAN OF INDE-**
 6 **PENDENT STATE COMMISSION.**

7 (a) USE OF PLAN REQUIRED.—Notwithstanding any
 8 other provision of law, and except as provided in sub-
 9 section (c) and subsection (d), any congressional redis-
 10 tricting conducted by a State shall be conducted in accord-
 11 ance with—

12 (1) the redistricting plan developed and enacted
 13 into law by the independent redistricting commission
 14 established in the State, in accordance with title II;
 15 or

16 (2) if a plan developed by such commission is
 17 not enacted into law, the redistricting plan developed
 18 and enacted into law by a 3-judge court, in accord-
 19 ance with section 301.

20 (b) CONFORMING AMENDMENT.—Section 22(c) of
 21 the Act entitled “An Act to provide for the fifteenth and

1 subsequent decennial censuses and to provide for an ap-
2 portionment of Representatives in Congress”, approved
3 June 18, 1929 (2 U.S.C. 2a(c)), is amended by striking
4 “in the manner provided by the law thereof” and insert-
5 ing: “in the manner provided by the Redistricting Reform
6 Act of 2019”.

7 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
8 Subsection (a) does not apply to any State in which, under
9 law in effect continuously on and after the date of the
10 enactment of this Act, congressional redistricting is car-
11 ried out in accordance with a plan developed and approved
12 by an independent redistricting commission which is in
13 compliance with each of the following requirements:

14 (1) PUBLICLY AVAILABLE APPLICATION PROC-
15 ESS.—Membership on the commission is open to citi-
16 zens of the State through a publicly available appli-
17 cation process.

18 (2) DISQUALIFICATIONS FOR GOVERNMENT
19 SERVICE AND POLITICAL APPOINTMENT.—Individ-
20 uals who, for a covered period of time as established
21 by the State, hold or have held public office, individ-
22 uals who are or have been candidates for elected
23 public office, and individuals who serve or have
24 served as an officer, employee, or paid consultant of

1 a campaign committee of a candidate for public of-
2 fice are disqualified from serving on the commission.

3 (3) SCREENING FOR CONFLICTS.—Individuals
4 who apply to serve on the commission are screened
5 through a process that excludes persons with con-
6 flicts of interest from the pool of potential commis-
7 sioners.

8 (4) MULTI-PARTISAN COMPOSITION.—Member-
9 ship on the commission represents those who are af-
10 filiated with the two political parties whose can-
11 didates received the most votes in the most recent
12 Statewide election for Federal office held in the
13 State, as well as those who are unaffiliated with any
14 party or who are affiliated with political parties
15 other than the two political parties whose candidates
16 received the most votes in the most recent Statewide
17 election for Federal office held in the State.

18 (5) CRITERIA FOR REDISTRICTING.—Members
19 of the commission are required to meet certain cri-
20 teria in the map drawing process, including mini-
21 mizing the division of communities of interest and a
22 ban on drawing maps to favor a political party.

23 (6) PUBLIC INPUT.—Public hearings are held
24 and comments from the public are accepted before
25 a final map is approved.

1 (7) BROAD-BASED SUPPORT FOR APPROVAL OF
2 FINAL PLAN.—The approval of the final redistricting
3 plan requires a majority vote of the members of the
4 commission, including the support of at least one
5 member of each of the following:

6 (A) Members who are affiliated with the
7 political party whose candidate received the
8 most votes in the most recent Statewide election
9 for Federal office held in the State.

10 (B) Members who are affiliated with the
11 political party whose candidate received the sec-
12 ond most votes in the most recent Statewide
13 election for Federal office held in the State.

14 (C) Members who not affiliated with any
15 political party or who are affiliated with polit-
16 ical parties other than the political parties de-
17 scribed in subparagraphs (A) and (B).

18 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
19 does not apply to the State of Iowa, so long as congres-
20 sional redistricting in such State is carried out in accord-
21 ance with a plan developed by the Iowa Legislative Serv-
22 ices Agency with the assistance of a Temporary Redis-
23 tricting Advisory Commission, under law which was in ef-
24 fect for the most recent congressional redistricting carried
25 out in the State prior to the date of the enactment of this

1 Act and which remains in effect continuously on and after
2 the date of the enactment of this Act.

3 **SEC. 102. BAN ON MID-DECADE REDISTRICTING.**

4 A State that has been redistricted in accordance with
5 this Act and a State described in section 101(c) or section
6 101(d) may not be redistricted again until after the next
7 apportionment of Representatives under section 22(a) of
8 the Act entitled “An Act to provide for the fifteenth and
9 subsequent decennial censuses and to provide for an ap-
10 portionment of Representatives in Congress”, approved
11 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
12 State to conduct such subsequent redistricting to comply
13 with the Constitution of the United States, the Voting
14 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Con-
15 stitution of the State, or the terms or conditions of this
16 Act.

17 **TITLE II—INDEPENDENT**
18 **REDISTRICTING COMMISSIONS**

19 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

20 (a) APPOINTMENT OF MEMBERS.—

21 (1) IN GENERAL.—The nonpartisan agency es-
22 tablished or designated by a State under section
23 204(a) shall establish an independent redistricting
24 commission for the State, which shall consist of 15
25 members appointed by the agency as follows:

1 (A) Not later than October 1 of a year
2 ending in the numeral zero, the agency shall, at
3 a public meeting held not earlier than 15 days
4 after notice of the meeting has been given to
5 the public, first appoint 6 members as follows:

6 (i) The agency shall appoint 2 mem-
7 bers on a random basis from the majority
8 category of the approved selection pool (as
9 described in section 202(b)(1)(A)).

10 (ii) The agency shall appoint 2 mem-
11 bers on a random basis from the minority
12 category of the approved selection pool (as
13 described in section 202(b)(1)(B)).

14 (iii) The agency shall appoint 2 mem-
15 bers on a random basis from the inde-
16 pendent category of the approved selection
17 pool (as described in section 202(b)(1)(C)).

18 (B) Not later than November 15 of a year
19 ending in the numeral zero, the members ap-
20 pointed by the agency under subparagraph (A)
21 shall, at a public meeting held not earlier than
22 15 days after notice of the meeting has been
23 given to the public, then appoint 9 members as
24 follows:

1 (i) The members shall appoint 3 mem-
 2 bers from the majority category of the ap-
 3 proved selection pool (as described in sec-
 4 tion 202(b)(1)(A)).

5 (ii) The members shall appoint 3
 6 members from the minority category of the
 7 approved selection pool (as described in
 8 section 202(b)(1)(B)).

9 (iii) The members shall appoint 3
 10 members from the independent category of
 11 the approved selection pool (as described in
 12 section 202(b)(1)(C)).

13 (2) RULES FOR APPOINTMENT OF MEMBERS
 14 APPOINTED BY FIRST MEMBERS.—

15 (A) AFFIRMATIVE VOTE OF AT LEAST 4
 16 MEMBERS.—The appointment of any of the 9
 17 members of the independent redistricting com-
 18 mission who are appointed by the first members
 19 of the commission pursuant to subparagraph
 20 (B) of paragraph (1), as well as the designation
 21 of alternates for such members pursuant to
 22 subparagraph (B) of paragraph (3) and the ap-
 23 pointment of alternates to fill vacancies pursu-
 24 ant to subparagraph (B) of paragraph (4), shall
 25 require the affirmative vote of at least 4 of the

1 members appointed by the nonpartisan agency
2 under subparagraph (A) of paragraph (1), in-
3 cluding at least one member from each of the
4 categories referred to in such subparagraph.

5 (B) ENSURING DIVERSITY.—In appointing
6 the 9 members pursuant to subparagraph (B)
7 of paragraph (1), as well as in designating al-
8 ternates pursuant to subparagraph (B) of para-
9 graph (3) and in appointing alternates to fill
10 vacancies pursuant to subparagraph (B) of
11 paragraph (4), the first members of the inde-
12 pendent redistricting commission shall ensure
13 that the membership is representative of the de-
14 mographic groups (including racial, ethnic, eco-
15 nomic, and gender) and geographic regions of
16 the State, and provides racial, ethnic, and lan-
17 guage minorities protected under the Voting
18 Rights Act of 1965 with a meaningful oppor-
19 tunity to participate in the development of the
20 State’s redistricting plan.

21 (3) DESIGNATION OF ALTERNATES TO SERVE
22 IN CASE OF VACANCIES.—

23 (A) MEMBERS APPOINTED BY AGENCY.—

24 At the time the agency appoints the members
25 of the independent redistricting commission

1 under subparagraph (A) of paragraph (1) from
2 each of the categories referred to in such sub-
3 paragraph, the agency shall, on a random basis,
4 designate 2 other individuals from such cat-
5 egory to serve as alternate members who may
6 be appointed to fill vacancies in the commission
7 in accordance with paragraph (4).

8 (B) MEMBERS APPOINTED BY FIRST MEM-
9 BERS.—At the time the members appointed by
10 the agency appoint the other members of the
11 independent redistricting commission under
12 subparagraph (B) of paragraph (1) from each
13 of the categories referred to in such subpara-
14 graph, the members shall, in accordance with
15 the special rules described in paragraph (2),
16 designate 2 other individuals from such cat-
17 egory to serve as alternate members who may
18 be appointed to fill vacancies in the commission
19 in accordance with paragraph (4).

20 (4) APPOINTMENT OF ALTERNATES TO SERVE
21 IN CASE OF VACANCIES.—

22 (A) MEMBERS APPOINTED BY AGENCY.—If
23 a vacancy occurs in the commission with respect
24 to a member who was appointed by the non-
25 partisan agency under subparagraph (A) of

1 paragraph (1) from one of the categories re-
2 ferred to in such subparagraph, the agency
3 shall fill the vacancy by appointing, on a ran-
4 dom basis, one of the 2 alternates from such
5 category who was designated under subpara-
6 graph (A) of paragraph (3). At the time the
7 agency appoints an alternate to fill a vacancy
8 under the previous sentence, the agency shall
9 designate, on a random basis, another indi-
10 vidual from the same category to serve as an al-
11 ternate member, in accordance with subpara-
12 graph (A) of paragraph (3).

13 (B) MEMBERS APPOINTED BY FIRST MEM-
14 BERS.—If a vacancy occurs in the commission
15 with respect to a member who was appointed by
16 the first members of the commission under sub-
17 subparagraph (B) of paragraph (1) from one of the
18 categories referred to in such subparagraph, the
19 first members shall, in accordance with the spe-
20 cial rules described in paragraph (2), fill the va-
21 cancy by appointing one of the 2 alternates
22 from such category who was designated under
23 subparagraph (B) of paragraph (3). At the time
24 the first members appoint an alternate to fill a
25 vacancy under the previous sentence, the first

1 members shall, in accordance with the special
2 rules described in paragraph (2), designate an-
3 other individual from the same category to
4 serve as an alternate member, in accordance
5 with subparagraph (B) of paragraph (3).

6 (5) REMOVAL.—A member of the independent
7 redistricting commission may be removed by a ma-
8 jority vote of the remaining members of the commis-
9 sion if it is shown by a preponderance of the evi-
10 dence that the member is not eligible to serve on the
11 commission under section 202(a).

12 (b) PROCEDURES FOR CONDUCTING COMMISSION
13 BUSINESS.—

14 (1) CHAIR.—Members of an independent redis-
15 tricting commission established under this section
16 shall select by majority vote one member who was
17 appointed from the independent category of the ap-
18 proved selection pool described in section
19 202(b)(1)(C) to serve as chair of the commission.
20 The commission may not take any action to develop
21 a redistricting plan for the State under section 203
22 until the appointment of the commission's chair.

23 (2) REQUIRING MAJORITY APPROVAL FOR AC-
24 TIONS.—The independent redistricting commission
25 of a State may not publish and disseminate any

1 draft or final redistricting plan, or take any other
2 action, without the approval of at least—

3 (A) a majority of the whole membership of
4 the commission; and

5 (B) at least one member of the commission
6 appointed from each of the categories of the ap-
7 proved selection pool described in section
8 202(b)(1).

9 (3) QUORUM.—A majority of the members of
10 the commission shall constitute a quorum.

11 (c) STAFF; CONTRACTORS.—

12 (1) STAFF.—Under a public application process
13 in which all application materials are available for
14 public inspection, the independent redistricting com-
15 mission of a State shall appoint and set the pay of
16 technical experts, legal counsel, consultants, and
17 such other staff as it considers appropriate, subject
18 to State law.

19 (2) CONTRACTORS.—The independent redis-
20 tricting commission of a State may enter into such
21 contracts with vendors as it considers appropriate,
22 subject to State law, except that any such contract
23 shall be valid only if approved by the vote of a ma-
24 jority of the members of the commission, including
25 at least one member appointed from each of the cat-

1 egories of the approved selection pool described in
2 section 202(b)(1).

3 (3) REPORTS ON EXPENDITURES FOR POLIT-
4 ICAL ACTIVITY.—

5 (A) REPORT BY APPLICANTS.—Each indi-
6 vidual who applies for a position as an employee
7 of the independent redistricting commission and
8 each vendor who applies for a contract with the
9 commission shall, at the time of applying, file
10 with the commission a report summarizing—

11 (i) any expenditure for political activ-
12 ity made by such individual or vendor dur-
13 ing the 10 most recent calendar years; and

14 (ii) any income received by such indi-
15 vidual or vendor during the 10 most recent
16 calendar years which is attributable to an
17 expenditure for political activity.

18 (B) ANNUAL REPORTS BY EMPLOYEES
19 AND VENDORS.—Each person who is an em-
20 ployee or vendor of the independent redis-
21 tricting commission shall, not later than one
22 year after the person is appointed as an em-
23 ployee or enters into a contract as a vendor (as
24 the case may be) and annually thereafter for
25 each year during which the person serves as an

1 employee or a vendor, file with the commission
2 a report summarizing the expenditures and in-
3 come described in subparagraph (A) during the
4 10 most recent calendar years.

5 (C) EXPENDITURE FOR POLITICAL ACTIV-
6 ITY DEFINED.—In this paragraph, the term
7 “expenditure for political activity” means a dis-
8 bursement for any of the following:

9 (i) An independent expenditure, as de-
10 fined in section 301(17) of the Federal
11 Election Campaign Act of 1971 (52 U.S.C.
12 30101(17)).

13 (ii) An electioneering communication,
14 as defined in section 304(f)(3) of such Act
15 (52 U.S.C. 30104(f)(3)) or any other pub-
16 lic communication, as defined in section
17 301(22) of such Act (52 U.S.C.
18 30101(22)) that would be an electioneering
19 communication if it were a broadcast,
20 cable, or satellite communication.

21 (iii) Any dues or other payments to
22 trade associations or organizations de-
23 scribed in section 501(c) of the Internal
24 Revenue Code of 1986 and exempt from
25 tax under section 501(a) of such Code that

1 are, or could reasonably be anticipated to
2 be, used or transferred to another associa-
3 tion or organization for a use described in
4 paragraph (1), (2), or (4) of section 501(c)
5 of such Code.

6 (4) GOAL OF IMPARTIALITY.—The commission
7 shall take such steps as it considers appropriate to
8 ensure that any staff appointed under this sub-
9 section, and any vendor with whom the commission
10 enters into a contract under this subsection, will
11 work in an impartial manner, and may require any
12 person who applies for an appointment to a staff po-
13 sition or for a vendor’s contract with the commission
14 to provide information on the person’s history of po-
15 litical activity beyond the information on the per-
16 son’s expenditures for political activity provided in
17 the reports required under paragraph (3) (including
18 donations to candidates, political committees, and
19 political parties) as a condition of the appointment
20 or the contract.

21 (5) DISQUALIFICATION; WAIVER.—

22 (A) IN GENERAL.—The independent redistricting
23 commission may not appoint an indi-
24 vidual as an employee, and may not enter into
25 a contract with a vendor, if the individual or

1 vendor meets any of the criteria for the dis-
2 qualification of an individual from serving as a
3 member of the commission which are set forth
4 in section 202(a)(2).

5 (B) WAIVER.—The commission may by
6 unanimous vote of its members waive the appli-
7 cation of subparagraph (A) to an individual or
8 a vendor after receiving and reviewing the re-
9 port filed by the individual or vendor under
10 paragraph (3).

11 (d) TERMINATION.—

12 (1) IN GENERAL.—The independent redistricting
13 commission of a State shall terminate on the
14 earlier of—

15 (A) June 14 of the next year ending in the
16 numeral zero; or

17 (B) the day on which the nonpartisan
18 agency established or designated by a State
19 under section 204(a) has, in accordance with
20 section 202(b)(1), submitted a selection pool to
21 the Select Committee on Redistricting for the
22 State established under section 204(b).

23 (2) PRESERVATION OF RECORDS.—The State
24 shall ensure that the records of the independent re-
25 districting commission are retained in the appro-

1 appropriate State archive in such manner as may be nec-
2 essary to enable the State to respond to any civil ac-
3 tion brought with respect to congressional redistricting in the State.
4

5 **SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.**
6
7

8 (a) CRITERIA FOR ELIGIBILITY.—

9 (1) IN GENERAL.—An individual is eligible to
10 serve as a member of an independent redistricting
11 commission if the individual meets each of the following
12 criteria:

13 (A) As of the date of appointment, the individual is registered to vote in elections for
14 Federal office held in the State.
15

16 (B) During the 3-year period ending on the date of the individual's appointment, the individual has been continuously registered to
17 vote with the same political party, or has not been registered to vote with any political party.
18
19
20

21 (C) The individual submits to the non-partisan agency established or designated by a
22 State under section 203, at such time and in such form as the agency may require, an application for inclusion in the selection pool under
23
24
25

1 this section, and includes with the application a
2 written statement, with an attestation under
3 penalty of perjury, containing the following in-
4 formation and assurances:

5 (i) The full current name and any
6 former names of, and the contact informa-
7 tion for, the individual, including an elec-
8 tronic mail address, the address of the in-
9 dividual's residence, mailing address, and
10 telephone numbers.

11 (ii) The individual's race, ethnicity,
12 gender, age, date of birth, and household
13 income for the most recent taxable year.

14 (iii) The political party with which the
15 individual is affiliated, if any.

16 (iv) The reason or reasons the indi-
17 vidual desires to serve on the independent
18 redistricting commission, the individual's
19 qualifications, and information relevant to
20 the ability of the individual to be fair and
21 impartial, including, but not limited to—

22 (I) any involvement with, or fi-
23 nancial support of, professional, so-
24 cial, political, religious, or community
25 organizations or causes; and

1 (II) the individual's employment
2 and educational history.

3 (v) An assurance that the individual
4 shall commit to carrying out the individ-
5 ual's duties under this Act in an honest,
6 independent, and impartial fashion, and to
7 upholding public confidence in the integrity
8 of the redistricting process.

9 (vi) An assurance that, during the
10 covered periods described in paragraph (3),
11 the individual has not taken and will not
12 take any action which would disqualify the
13 individual from serving as a member of the
14 commission under paragraph (2).

15 (2) DISQUALIFICATIONS.—An individual is not
16 eligible to serve as a member of the commission if
17 any of the following applies during any of the cov-
18 ered periods described in paragraph (3):

19 (A) The individual or (in the case of the
20 covered periods described in subparagraphs (A)
21 and (B) of paragraph (3)) an immediate family
22 member of the individual holds public office or
23 is a candidate for election for public office.

24 (B) The individual or (in the case of the
25 covered periods described in subparagraphs (A)

1 and (B) of paragraph (3)) an immediate family
2 member of the individual serves as an officer of
3 a political party or as an officer, employee, or
4 paid consultant of a campaign committee of a
5 candidate for public office or of any political ac-
6 tion committee (as determined in accordance
7 with the law of the State).

8 (C) The individual or (in the case of the
9 covered periods described in subparagraphs (A)
10 and (B) of paragraph (3)) an immediate family
11 member of the individual holds a position as a
12 registered lobbyist under the Lobbying Dislo-
13 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
14 equivalent State or local law.

15 (D) The individual or (in the case of the
16 covered periods described in subparagraphs (A)
17 and (B) of paragraph (3)) an immediate family
18 member of the individual is an employee of an
19 elected public official, a contractor with the gov-
20 ernment of the State, or a donor to the cam-
21 paign of any candidate for public office or to
22 any political action committee (other than a
23 donor who, during any of such covered periods,
24 gives an aggregate amount of \$1,000 or less to

1 the campaigns of all candidates for all public
2 offices and to all political action committees).

3 (E) The individual or (in the case of the
4 covered periods described in subparagraphs (A)
5 and (B) of paragraph (3)) an immediate family
6 member of the individual paid a civil money
7 penalty or criminal fine, or was sentenced to a
8 term of imprisonment, for violating any provi-
9 sion of the Federal Election Campaign Act of
10 1971 (52 U.S.C. 30101 et seq.).

11 (F) The individual or (in the case of the
12 covered periods described in subparagraphs (A)
13 and (B) of paragraph (3)) an immediate family
14 member of the individual is an agent of a for-
15 eign principal under the Foreign Agents Reg-
16 istration Act of 1938, as amended (22 U.S.C.
17 611 et seq.).

18 (3) COVERED PERIODS DESCRIBED.—In this
19 subsection, the term “covered period” means, with
20 respect to the appointment of an individual to the
21 commission, any of the following:

22 (A) The 10-year period ending on the date
23 of the individual’s appointment.

24 (B) The period beginning on the date of
25 the individual’s appointment and ending on Au-

1 gust 14 of the next year ending in the numeral
2 one.

3 (C) The 10-year period beginning on the
4 day after the last day of the period described in
5 subparagraph (B).

6 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
7 this subsection, the term “immediate family mem-
8 ber” means, with respect to an individual, a father,
9 stepfather, mother, stepmother, son, stepson, daugh-
10 ter, stepdaughter, brother, stepbrother, sister, step-
11 sister, husband, wife, father-in-law, or mother-in-
12 law.

13 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
14 POOL.—

15 (1) IN GENERAL.—Not later than June 15 of
16 each year ending in the numeral zero, the non-
17 partisan agency established or designated by a State
18 under section 204(a) shall develop and submit to the
19 Select Committee on Redistricting for the State es-
20 tablished under section 204(b) a selection pool of 36
21 individuals who are eligible to serve as members of
22 the independent redistricting commission of the
23 State under this Act, consisting of individuals in the
24 following categories:

1 (A) A majority category, consisting of 12
2 individuals who are affiliated with the political
3 party whose candidate received the most votes
4 in the most recent Statewide election for Fed-
5 eral office held in the State.

6 (B) A minority category, consisting of 12
7 individuals who are affiliated with the political
8 party whose candidate received the second most
9 votes in the most recent Statewide election for
10 Federal office held in the State.

11 (C) An independent category, consisting of
12 12 individuals who are not affiliated with either
13 of the political parties described in subpara-
14 graph (A) or subparagraph (B).

15 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
16 OPING POOL.—In selecting individuals for the selec-
17 tion pool under this subsection, the nonpartisan
18 agency shall—

19 (A) ensure that the pool is representative
20 of the demographic groups (including racial,
21 ethnic, economic, and gender) and geographic
22 regions of the State, and includes applicants
23 who would allow racial, ethnic, and language
24 minorities protected under the Voting Rights
25 Act of 1965 a meaningful opportunity to par-

1 participate in the development of the State’s redistricting plan; and

2
3 (B) take into consideration the analytical skills of the individuals selected in relevant fields (including mapping, data management, law, community outreach, demography, and the geography of the State) and their ability to work on an impartial basis.

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9 (3) INTERVIEWS OF APPLICANTS.—To assist the nonpartisan agency in developing the selection pool under this subsection, the nonpartisan agency shall conduct interviews of applicants under oath. If an individual is included in a selection pool developed under this section, all of the interviews of the individual shall be transcribed and the transcriptions made available on the nonpartisan agency’s website contemporaneously with release of the report under paragraph (6).

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19 (4) DETERMINATION OF POLITICAL PARTY AFFILIATION OF INDIVIDUALS IN SELECTION POOL.—For purposes of this section, an individual shall be considered to be affiliated with a political party only if the nonpartisan agency is able to verify (to the greatest extent possible) the information the individual provides in the application submitted under

1 subsection (a)(1)(D), including by considering addi-
2 tional information provided by other persons with
3 knowledge of the individual's history of political ac-
4 tivity.

5 (5) ENCOURAGING RESIDENTS TO APPLY FOR
6 INCLUSION IN POOL.—The nonpartisan agency shall
7 take such steps as may be necessary to ensure that
8 residents of the State across various geographic re-
9 gions and demographic groups are aware of the op-
10 portunity to serve on the independent redistricting
11 commission, including publicizing the role of the
12 panel and using newspapers, broadcast media, and
13 online sources, including ethnic media, to encourage
14 individuals to apply for inclusion in the selection
15 pool developed under this subsection.

16 (6) REPORT ON ESTABLISHMENT OF SELEC-
17 TION POOL.—At the time the nonpartisan agency
18 submits the selection pool to the Select Committee
19 on Redistricting under paragraph (1), it shall pub-
20 lish and post on the agency's public website a report
21 describing the process by which the pool was devel-
22 oped, and shall include in the report a description of
23 how the individuals in the pool meet the eligibility
24 criteria of subsection (a) and of how the pool reflects

1 the factors the agency is required to take into con-
2 sideration under paragraph (2).

3 (7) PUBLIC COMMENT ON SELECTION POOL.—

4 During the 14-day period which begins on the date
5 the nonpartisan agency publishes the report under
6 paragraph (6), the agency shall accept comments
7 from the public on the individuals included in the se-
8 lection pool. The agency shall post all such com-
9 ments contemporaneously on the nonpartisan agen-
10 cy's website and shall transmit them to the Select
11 Committee on Redistricting immediately upon the
12 expiration of such period.

13 (8) ACTION BY SELECT COMMITTEE.—

14 (A) IN GENERAL.—Not earlier than 15
15 days and not later than 21 days after receiving
16 the selection pool from the nonpartisan agency
17 under paragraph (1), the Select Committee on
18 Redistricting shall—

19 (i) approve the pool as submitted by
20 the nonpartisan agency, in which case the
21 pool shall be considered the approved selec-
22 tion pool for purposes of section 201(a)(1);
23 or

24 (ii) reject the pool, in which case the
25 nonpartisan agency shall develop and sub-

1 mit a replacement selection pool in accord-
2 ance with subsection (c).

3 (B) INACTION DEEMED REJECTION.—If
4 the Select Committee on Redistricting fails to
5 approve or reject the pool within the deadline
6 set forth in subparagraph (A), the Select Com-
7 mittee shall be deemed to have rejected the pool
8 for purposes of such subparagraph.

9 (c) DEVELOPMENT OF REPLACEMENT SELECTION
10 POOL.—

11 (1) IN GENERAL.—If the Select Committee on
12 Redistricting rejects the selection pool submitted by
13 the nonpartisan agency under subsection (b), not
14 later than 14 days after the rejection, the non-
15 partisan agency shall develop and submit to the Se-
16 lect Committee a replacement selection pool, under
17 the same terms and conditions that applied to the
18 development and submission of the selection pool
19 under paragraphs (1) through (7) of subsection (b).
20 The replacement pool submitted under this para-
21 graph may include individuals who were included in
22 the rejected selection pool submitted under sub-
23 section (b), so long as at least one of the individuals
24 in the replacement pool was not included in such re-
25 jected pool.

1 (2) ACTION BY SELECT COMMITTEE.—

2 (A) IN GENERAL.—Not later than 21 days
3 after receiving the replacement selection pool
4 from the nonpartisan agency under paragraph
5 (1), the Select Committee on Redistricting
6 shall—

7 (i) approve the pool as submitted by
8 the nonpartisan agency, in which case the
9 pool shall be considered the approved selec-
10 tion pool for purposes of section 201(a)(1);
11 or

12 (ii) reject the pool, in which case the
13 nonpartisan agency shall develop and sub-
14 mit a second replacement selection pool in
15 accordance with subsection (d).

16 (B) INACTION DEEMED REJECTION.—If
17 the Select Committee on Redistricting fails to
18 approve or reject the pool within the deadline
19 set forth in subparagraph (A), the Select Com-
20 mittee shall be deemed to have rejected the pool
21 for purposes of such subparagraph.

22 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
23 LECTION POOL.—

24 (1) IN GENERAL.—If the Select Committee on
25 Redistricting rejects the replacement selection pool

1 submitted by the nonpartisan agency under sub-
2 section (c), not later than 14 days after the rejec-
3 tion, the nonpartisan agency shall develop and sub-
4 mit to the Select Committee a second replacement
5 selection pool, under the same terms and conditions
6 that applied to the development and submission of
7 the selection pool under paragraphs (1) through (7)
8 of subsection (b). The second replacement selection
9 pool submitted under this paragraph may include in-
10 dividuals who were included in the rejected selection
11 pool submitted under subsection (b) or the rejected
12 replacement selection pool submitted under sub-
13 section (c), so long as at least one of the individuals
14 in the replacement pool was not included in either
15 such rejected pool.

16 (2) ACTION BY SELECT COMMITTEE.—

17 (A) IN GENERAL.—Not earlier than 15
18 days and not later than 14 days after receiving
19 the second replacement selection pool from the
20 nonpartisan agency under paragraph (1), the
21 Select Committee on Redistricting shall—

22 (i) approve the pool as submitted by
23 the nonpartisan agency, in which case the
24 pool shall be considered the approved selec-

1 tion pool for purposes of section 201(a)(1);

2 or

3 (ii) reject the pool.

4 (B) INACTION DEEMED REJECTION.—If
5 the Select Committee on Redistricting fails to
6 approve or reject the pool within the deadline
7 set forth in subparagraph (A), the Select Com-
8 mittee shall be deemed to have rejected the pool
9 for purposes of such subparagraph.

10 (C) EFFECT OF REJECTION.—If the Select
11 Committee on Redistricting rejects the second
12 replacement pool from the nonpartisan agency
13 under paragraph (1), the redistricting plan for
14 the State shall be developed and enacted in ac-
15 cordance with title III.

16 **SEC. 203. CRITERIA FOR REDISTRICTING PLAN BY INDE-**
17 **PENDENT COMMISSION; PUBLIC NOTICE AND**
18 **INPUT.**

19 (a) DEVELOPMENT OF REDISTRICTING PLAN.—

20 (1) CRITERIA.—In developing a redistricting
21 plan of a State, the independent redistricting com-
22 mission of a State shall establish single-member con-
23 gressional districts using the following criteria as set
24 forth in the following order of priority:

1 (A) Districts shall comply with the United
2 States Constitution, including the requirement
3 that they equalize total population.

4 (B) Districts shall comply with the Voting
5 Rights Act of 1965 (52 U.S.C. 10301 et seq.)
6 and all applicable Federal laws.

7 (C) Districts shall provide racial, ethnic,
8 and language minorities with an equal oppor-
9 tunity to participate in the political process and
10 to elect candidates of choice and shall not dilute
11 or diminish their ability to elect candidates of
12 choice whether alone or in coalition with others.

13 (D) Districts shall respect communities of
14 interest, neighborhoods, and political subdivi-
15 sions to the extent practicable and after compli-
16 ance with the requirements of subparagraphs
17 (A) through (C). A community of interest is de-
18 fined as an area with recognized similarities of
19 interests, including but not limited to ethnic,
20 racial, economic, social, cultural, geographic, or
21 historic identities. The term communities of in-
22 terest may, in certain circumstances, include
23 political subdivisions such as counties, munici-
24 palities, or school districts, but shall not include

1 common relationships with political parties or
2 political candidates.

3 (2) NO FAVORING OR DISFAVORING OF POLIT-
4 ICAL PARTIES.—Except as may be required to meet
5 the criteria described in paragraph (1), the redistricting
6 plan developed by the independent redistricting
7 commission shall not, when considered on a
8 Statewide basis, unduly favor or disfavor any political
9 party.

10 (3) FACTORS PROHIBITED FROM CONSIDER-
11 ATION.—In developing the redistricting plan for the
12 State, the independent redistricting commission may
13 not take into consideration any of the following factors,
14 except to the extent necessary to comply with
15 the criteria described in subparagraphs (A) through
16 (C) of paragraph (1), paragraph (2), and to enable
17 the redistricting plan to be measured against the external
18 metrics described in subsection (e):

19 (A) The residence of any Member of the
20 House of Representatives or candidate.

21 (B) The political party affiliation or voting
22 history of the population of a district.

23 (b) PUBLIC NOTICE AND INPUT.—

24 (1) USE OF OPEN AND TRANSPARENT PROC-
25 ESS.—The independent redistricting commission of a

1 State shall hold each of its meetings in public, shall
2 solicit and take into consideration comments from
3 the public, including proposed maps, throughout the
4 process of developing the redistricting plan for the
5 State, and shall carry out its duties in an open and
6 transparent manner which provides for the widest
7 public dissemination reasonably possible of its pro-
8 posed and final redistricting plans.

9 (2) WEBSITE.—

10 (A) FEATURES.—The commission shall
11 maintain a public internet site which is not af-
12 filiated with or maintained by the office of any
13 elected official and which includes the following
14 features:

15 (i) General information on the com-
16 mission, its role in the redistricting proc-
17 ess, and its members, including contact in-
18 formation.

19 (ii) An updated schedule of commis-
20 sion hearings and activities, including
21 deadlines for the submission of comments.

22 (iii) All draft redistricting plans devel-
23 oped by the commission under subsection
24 (c) and the final redistricting plan devel-
25 oped under subsection (d), including the

1 accompanying written evaluation under
2 subsection (e).

3 (iv) All comments received from the
4 public on the commission's activities, in-
5 cluding any proposed maps submitted
6 under paragraph (1).

7 (v) Live streaming of commission
8 hearings and an archive of previous meet-
9 ings, including any documents considered
10 at any such meeting, which the commission
11 shall post not later than 24 hours after the
12 conclusion of the meeting.

13 (vi) Access in an easily useable format
14 to the demographic and other data used by
15 the commission to develop and analyze the
16 proposed redistricting plans, together with
17 access to any software used to draw maps
18 of proposed districts and to any reports
19 analyzing and evaluating any such maps.

20 (vii) A method by which members of
21 the public may submit comments and pro-
22 posed maps directly to the commission.

23 (viii) All records of the commission,
24 including all communications to or from

1 members, employees, and contractors re-
2 garding the work of the commission.

3 (ix) A list of all contractors receiving
4 payment from the commission, together
5 with the annual disclosures submitted by
6 the contractors under section 201(c)(3).

7 (x) A list of the names of all individ-
8 uals who submitted applications to serve
9 on the commission, together with the appli-
10 cations submitted by individuals included
11 in any selection pool, except that the com-
12 mission may redact from such applications
13 any financial or other personally sensitive
14 information.

15 (B) SEARCHABLE FORMAT.—The commis-
16 sion shall ensure that all information posted
17 and maintained on the site under this para-
18 graph, including information and proposed
19 maps submitted by the public, shall be main-
20 tained in an easily searchable format.

21 (C) DEADLINE.—The commission shall en-
22 sure that the public internet site under this
23 paragraph is operational (in at least a prelimi-
24 nary format) not later than January 1 of the
25 year ending in the numeral one.

1 (3) PUBLIC COMMENT PERIOD.—The commis-
2 sion shall solicit, accept, and consider comments
3 from the public with respect to its duties, activities,
4 and procedures at any time during the period—

5 (A) which begins on January 1 of the year
6 ending in the numeral one; and

7 (B) which ends 7 days before the date of
8 the meeting at which the commission shall vote
9 on approving the final redistricting plan for en-
10 actment into law under subsection (d)(2).

11 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
12 GRAPHIC LOCATIONS.—To the greatest extent prac-
13 ticable, the commission shall hold its meetings and
14 hearings in various geographic regions and locations
15 throughout the State.

16 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
17 ALL NOTICES.—The commission shall make each no-
18 tice which is required to be posted and published
19 under this section available in any language in which
20 the State (or any jurisdiction in the State) is re-
21 quired to provide election materials under section
22 203 of the Voting Rights Act of 1965.

23 (c) DEVELOPMENT AND PUBLICATION OF PRELIMI-
24 NARY REDISTRICTING PLAN.—

1 (1) IN GENERAL.—Prior to developing and pub-
2 lishing a final redistricting plan under subsection
3 (d), the independent redistricting commission of a
4 State shall develop and publish a preliminary redis-
5 tricting plan.

6 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
7 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

8 (A) THREE HEARINGS REQUIRED.—Prior
9 to developing a preliminary redistricting plan
10 under this subsection, the commission shall hold
11 not fewer than 3 public hearings at which mem-
12 bers of the public may provide input and com-
13 ments regarding the potential contents of redis-
14 tricting plans for the State and the process by
15 which the commission will develop the prelimi-
16 nary plan under this subsection.

17 (B) MINIMUM PERIOD FOR NOTICE PRIOR
18 TO HEARINGS.—Not fewer than 14 days prior
19 to the date of each hearing held under this
20 paragraph, the commission shall post notices of
21 the hearing on the website maintained under
22 subsection (b)(2), and shall provide for the pub-
23 lication of such notices in newspapers of general
24 circulation throughout the State. Each such no-

1 tice shall specify the date, time, and location of
2 the hearing.

3 (C) SUBMISSION OF PLANS AND MAPS BY
4 MEMBERS OF THE PUBLIC.—Any member of
5 the public may submit maps or portions of
6 maps for consideration by the commission. As
7 provided under subsection (b)(2)(A), any such
8 map shall be made publicly available on the
9 commission’s website and open to comment.

10 (3) PUBLICATION OF PRELIMINARY PLAN.—

11 (A) IN GENERAL.—The commission shall
12 post the preliminary redistricting plan devel-
13 oped under this subsection, together with a re-
14 port that includes the commission’s responses
15 to any public comments received under sub-
16 section (b)(3), on the website maintained under
17 subsection (b)(2), and shall provide for the pub-
18 lication of each such plan in newspapers of gen-
19 eral circulation throughout the State.

20 (B) MINIMUM PERIOD FOR NOTICE PRIOR
21 TO PUBLICATION.—Not fewer than 14 days
22 prior to the date on which the commission posts
23 and publishes the preliminary plan under this
24 paragraph, the commission shall notify the pub-
25 lic through the website maintained under sub-

1 section (b)(2), as well as through publication of
2 notice in newspapers of general circulation
3 throughout the State, of the pending publica-
4 tion of the plan.

5 (4) MINIMUM POST-PUBLICATION PERIOD FOR
6 PUBLIC COMMENT.—The commission shall accept
7 and consider comments from the public (including
8 through the website maintained under subsection
9 (b)(2)) with respect to the preliminary redistricting
10 plan published under paragraph (3), including pro-
11 posed revisions to maps, for not fewer than 30 days
12 after the date on which the plan is published.

13 (5) POST-PUBLICATION HEARINGS.—

14 (A) THREE HEARINGS REQUIRED.—After
15 posting and publishing the preliminary redis-
16 tricting plan under paragraph (3), the commis-
17 sion shall hold not fewer than 3 public hearings
18 in different geographic areas of the State at
19 which members of the public may provide input
20 and comments regarding the preliminary plan.

21 (B) MINIMUM PERIOD FOR NOTICE PRIOR
22 TO HEARINGS.—Not fewer than 14 days prior
23 to the date of each hearing held under this
24 paragraph, the commission shall post notices of
25 the hearing on the website maintained under

1 subsection (b)(2), and shall provide for the pub-
2 lication of such notices in newspapers of general
3 circulation throughout the State. Each such no-
4 tice shall specify the date, time, and location of
5 the hearing.

6 (6) PERMITTING MULTIPLE PRELIMINARY
7 PLANS.—At the option of the commission, after de-
8 veloping and publishing the preliminary redistricting
9 plan under this subsection, the commission may de-
10 velop and publish subsequent preliminary redis-
11 tricting plans, so long as the process for the develop-
12 ment and publication of each such subsequent plan
13 meets the requirements set forth in this subsection
14 for the development and publication of the first pre-
15 liminary redistricting plan.

16 (d) PROCESS FOR ENACTMENT OF FINAL REDIS-
17 TRICTING PLAN.—

18 (1) IN GENERAL.—After taking into consider-
19 ation comments from the public on any preliminary
20 redistricting plan developed and published under
21 subsection (c), the independent redistricting commis-
22 sion of a State shall develop and publish a final re-
23 districting plan for the State.

24 (2) MEETING; FINAL VOTE.—Not later than the
25 deadline specified in subsection (h), the commission

1 shall hold a public hearing at which the members of
2 the commission shall vote on approving the final
3 plan for enactment into law.

4 (3) PUBLICATION OF PLAN AND ACCOMPANYING
5 MATERIALS.—Not fewer than 14 days before the
6 date of the meeting under paragraph (2), the com-
7 mission shall provide the following information to
8 the public through the website maintained under
9 subsection (b)(2), as well as through newspapers of
10 general circulation throughout the State:

11 (A) The final redistricting plan, including
12 all relevant maps.

13 (B) A report by the commission to accom-
14 pany the plan which provides the background
15 for the plan and the commission's reasons for
16 selecting the plan as the final redistricting plan,
17 including responses to the public comments re-
18 ceived on any preliminary redistricting plan de-
19 veloped and published under subsection (c).

20 (C) Any dissenting or additional views with
21 respect to the plan of individual members of the
22 commission.

23 (4) ENACTMENT.—The final redistricting plan
24 developed and published under this subsection shall
25 be deemed to be enacted into law if—

1 (A) the plan is approved by a majority of
2 the whole membership of the commission; and

3 (B) at least one member of the commission
4 appointed from each of the categories of the ap-
5 proved selection pool described in section
6 202(b)(1) approves the plan.

7 (e) WRITTEN EVALUATION OF PLAN AGAINST EX-
8 TERNAL METRICS.—The independent redistricting com-
9 mission shall include with each redistricting plan devel-
10 oped and published under this section a written evaluation
11 that measures each such plan against external metrics
12 which cover the criteria set forth in paragraph (1) of sub-
13 section (a), including the impact of the plan on the ability
14 of communities of color to elect candidates of choice,
15 measures of partisan fairness using multiple accepted
16 methodologies, and the degree to which the plan preserves
17 or divides communities of interest.

18 (f) TIMING.—The independent redistricting commis-
19 sion of a State may begin its work on the redistricting
20 plan of the State upon receipt of relevant population infor-
21 mation from the Bureau of the Census, and shall approve
22 a final redistricting plan for the State in each year ending
23 in the numeral one not later than 8 months after the date
24 on which the State receives the State apportionment notice
25 or October 1, whichever occurs later.

1 **SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.**

2 (a) ESTABLISHMENT OR DESIGNATION OF NON-
3 PARTISAN AGENCY OF STATE LEGISLATURE.—

4 (1) IN GENERAL.—Each State shall establish a
5 nonpartisan agency in the legislative branch of the
6 State government to appoint the members of the
7 independent redistricting commission for the State
8 in accordance with section 201.

9 (2) NONPARTISANSHIP DESCRIBED.—For pur-
10 poses of this subsection, an agency shall be consid-
11 ered to be nonpartisan if under law the agency—

12 (A) is required to provide services on a
13 nonpartisan basis;

14 (B) is required to maintain impartiality;
15 and

16 (C) is prohibited from advocating for the
17 adoption or rejection of any legislative proposal.

18 (3) TRAINING OF MEMBERS APPOINTED TO
19 COMMISSION.—Not later than January 15 of a year
20 ending in the numeral one, the nonpartisan agency
21 established or designated under this subsection shall
22 provide the members of the independent redistricting
23 commission with initial training on their obligations
24 as members of the commission, including obligations
25 under the Voting Rights Act of 1965 and other ap-
26 plicable laws.

1 (4) REGULATIONS.—The nonpartisan agency
2 established or designated under this subsection shall
3 adopt and publish regulations, after notice and op-
4 portunity for comment, establishing the procedures
5 that the agency will follow in fulfilling its duties
6 under this Act, including the procedures to be used
7 in vetting the qualifications and political affiliation
8 of applicants and in creating the selection pools, the
9 randomized process to be used in selecting the initial
10 members of the independent redistricting commis-
11 sion, and the rules that the agency will apply to en-
12 sure that the agency carries out its duties under this
13 Act in a maximally transparent, publicly accessible,
14 and impartial manner.

15 (5) DESIGNATION OF EXISTING AGENCY.—At
16 its option, a State may designate an existing agency
17 in the legislative branch of its government to appoint
18 the members of the independent redistricting com-
19 mission plan for the State under this Act, so long
20 as the agency meets the requirements for non-
21 partisanship under this subsection.

22 (6) TERMINATION OF AGENCY SPECIFICALLY
23 ESTABLISHED FOR REDISTRICTING.—If a State does
24 not designate an existing agency under paragraph
25 (5) but instead establishes a new agency to serve as

1 the nonpartisan agency under this section, the new
2 agency shall terminate upon the enactment into law
3 of the redistricting plan for the State.

4 (7) PRESERVATION OF RECORDS.—The State
5 shall ensure that the records of the nonpartisan
6 agency are retained in the appropriate State archive
7 in such manner as may be necessary to enable the
8 State to respond to any civil action brought with re-
9 spect to congressional redistricting in the State.

10 (8) DEADLINE.—The State shall meet the re-
11 quirements of this subsection not later than each
12 October 15 of a year ending in the numeral nine.

13 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
14 DISTRICTING.—

15 (1) IN GENERAL.—Each State shall appoint a
16 Select Committee on Redistricting to approve or dis-
17 approve a selection pool developed by the inde-
18 pendent redistricting commission for the State under
19 section 202.

20 (2) APPOINTMENT.—The Select Committee on
21 Redistricting for a State under this subsection shall
22 consist of the following members:

23 (A) One member of the upper house of the
24 State legislature, who shall be appointed by the

1 leader of the party with the greatest number of
2 seats in the upper house.

3 (B) One member of the upper house of the
4 State legislature, who shall be appointed by the
5 leader of the party with the second greatest
6 number of seats in the upper house.

7 (C) One member of the lower house of the
8 State legislature, who shall be appointed by the
9 leader of the party with the greatest number of
10 seats in the lower house.

11 (D) One member of the lower house of the
12 State legislature, who shall be appointed by the
13 leader of the party with the second greatest
14 number of seats in the lower house.

15 (3) SPECIAL RULE FOR STATES WITH UNICAM-
16 ERAL LEGISLATURE.—In the case of a State with a
17 unicameral legislature, the Select Committee on Re-
18 districting for the State under this subsection shall
19 consist of the following members:

20 (A) Two members of the State legislature
21 appointed by the chair of the political party of
22 the State whose candidate received the highest
23 percentage of votes in the most recent State-
24 wide election for Federal office held in the
25 State.

1 (B) Two members of the State legislature
2 appointed by the chair of the political party
3 whose candidate received the second highest
4 percentage of votes in the most recent State-
5 wide election for Federal office held in the
6 State.

7 (4) DEADLINE.—The State shall meet the re-
8 quirements of this subsection not later than each
9 January 15 of a year ending in the numeral zero.

10 **SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
11 **INDEPENDENT REDISTRICTING COMMIS-**
12 **SIONS.**

13 Not later than May 15 of a year ending in the nu-
14 meral one, the Comptroller General of the United States
15 shall submit to Congress a report on the extent to which
16 the memberships of independent redistricting commissions
17 for States established under this title with respect to the
18 immediately preceding year ending in the numeral zero
19 meet the diversity requirements as provided for in sections
20 201(a)(2)(B) and 202(b)(2).

1 **TITLE III—ROLE OF COURTS IN**
2 **DEVELOPMENT OF REDIS-**
3 **TRICTING PLANS**

4 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
5 **COURT.**

6 (a) DEVELOPMENT OF PLAN.—If any of the trig-
7 gering events described in subsection (f) occur with re-
8 spect to a State—

9 (1) not later than December 15 of the year in
10 which the triggering event occurs, the United States
11 district court for the applicable venue, acting
12 through a 3-judge Court convened pursuant to sec-
13 tion 2284 of title 28, United States Code, shall de-
14 velop and publish the congressional redistricting
15 plan for the State; and

16 (2) the final plan developed and published by
17 the Court under this section shall be deemed to be
18 enacted on the date on which the Court publishes
19 the final plan, as described in subsection (d).

20 (b) APPLICABLE VENUE DESCRIBED.—For purposes
21 of this section, the “applicable venue” with respect to a
22 State is the District of Columbia or the judicial district
23 in which the capital of the State is located, as selected
24 by the first party to file with the court sufficient evidence

1 of the occurrence of a triggering event described in sub-
2 section (f).

3 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—In developing a redistricting
5 plan for a State under this section, the Court shall
6 adhere to the same terms and conditions that ap-
7 plied (or that would have applied, as the case may
8 be) to the development of a plan by the independent
9 redistricting commission of the State under section
10 203(a).

11 (2) ACCESS TO INFORMATION AND RECORDS OF
12 COMMISSION.—The Court shall have access to any
13 information, data, software, or other records and
14 material that was used (or that would have been
15 used, as the case may be) by the independent redis-
16 tracting commission of the State in carrying out its
17 duties under this Act.

18 (3) HEARING; PUBLIC PARTICIPATION.—In de-
19 veloping a redistricting plan for a State, the Court
20 shall—

21 (A) hold one or more evidentiary hearings
22 at which interested members of the public may
23 appear and be heard and present testimony, in-
24 cluding expert testimony, in accordance with
25 the rules of the Court; and

1 (B) consider other submissions and com-
2 ments by the public, including proposals for re-
3 districting plans to cover the entire State or
4 any portion of the State.

5 (4) USE OF SPECIAL MASTER.—To assist in the
6 development and publication of a redistricting plan
7 for a State under this section, the Court may ap-
8 point a special master to make recommendations to
9 the Court on possible plans for the State.

10 (d) PUBLICATION OF PLAN.—

11 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
12 Upon completing the development of one or more
13 initial redistricting plans, the Court shall make the
14 plans available to the public at no cost, and shall
15 also make available the underlying data used by the
16 Court to develop the plans and a written evaluation
17 of the plans against external metrics (as described in
18 section 203(e)).

19 (2) PUBLICATION OF FINAL PLAN.—At any
20 time after the expiration of the 14-day period which
21 begins on the date the Court makes the plans avail-
22 able to the public under paragraph (1), and taking
23 into consideration any submissions and comments by
24 the public which are received during such period, the

1 Court shall develop and publish the final redistricting plan for the State.

2
3 (e) USE OF INTERIM PLAN.—In the event that the
4 Court is not able to develop and publish a final redistricting plan for the State with sufficient time for an upcoming election to proceed, the Court may develop and
5 publish an interim redistricting plan which shall serve as
6 the redistricting plan for the State until the Court develops and publishes a final plan in accordance with this section. Nothing in this subsection may be construed to limit
7 or otherwise affect the authority or discretion of the Court
8 to develop and publish the final redistricting plan, including but not limited to the discretion to make any changes
9 the Court deems necessary to an interim redistricting
10 plan.

11
12 (f) TRIGGERING EVENTS DESCRIBED.—The “triggering events” described in this subsection are as follows:

13
14 (1) The failure of the State to establish or designate a nonpartisan agency of the State legislature
15 under section 204(a) prior to the expiration of the
16 deadline set forth in section 204(a)(5).

17
18 (2) The failure of the State to appoint a Select
19 Committee on Redistricting under section 204(b)
20 prior to the expiration of the deadline set forth in
21 section 204(b)(4).

1 (3) The failure of the Select Committee on Re-
2 districting to approve any selection pool under sec-
3 tion 202 prior to the expiration of the deadline set
4 forth for the approval of the second replacement se-
5 lection pool in section 202(d)(2).

6 (4) The failure of the independent redistricting
7 commission of the State to approve a final redis-
8 tricting plan for the State prior to the expiration of
9 the deadline set forth in section 203(f).

10 **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
11 **UNDER ORDER OF FEDERAL COURT.**

12 If a Federal court requires a State to conduct redis-
13 tricting subsequent to an apportionment of Representa-
14 tives in the State in order to comply with the Constitution
15 or to enforce the Voting Rights Act of 1965, section 203
16 shall apply with respect to the redistricting, except that
17 the court may revise any of the deadlines set forth in such
18 section if the court determines that a revision is appro-
19 priate in order to provide for a timely enactment of a new
20 redistricting plan for the State.

1 **TITLE IV—ADMINISTRATIVE AND**
2 **MISCELLANEOUS PROVISIONS**

3 **SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT RE-**
4 **DISTRICTING.**

5 (a) **AUTHORIZATION OF PAYMENTS.**—Subject to sub-
6 section (d), not later than 30 days after a State receives
7 a State apportionment notice, the Election Assistance
8 Commission shall, subject to the availability of appropria-
9 tions provided pursuant to subsection (e), make a payment
10 to the State in an amount equal to the product of—

11 (1) the number of Representatives to which the
12 State is entitled, as provided under the notice; and

13 (2) \$150,000.

14 (b) **USE OF FUNDS.**—A State shall use the payment
15 made under this section to establish and operate the
16 State’s independent redistricting commission, to imple-
17 ment the State redistricting plan, and to otherwise carry
18 out congressional redistricting in the State.

19 (c) **NO PAYMENT TO STATES WITH SINGLE MEM-**
20 **BER.**—The Election Assistance Commission shall not
21 make a payment under this section to any State which
22 is not entitled to more than one Representative under its
23 State apportionment notice.

24 (d) **REQUIRING SUBMISSION OF SELECTION POOL AS**
25 **CONDITION OF PAYMENT.**—

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2) and paragraph (3), the Election As-
3 sistance Commission may not make a payment to a
4 State under this section until the State certifies to
5 the Commission that the nonpartisan agency estab-
6 lished or designated by a State under section 204(a)
7 has, in accordance with section 202(b)(1), submitted
8 a selection pool to the Select Committee on Redis-
9 tricting for the State established under section
10 204(b).

11 (2) EXCEPTION FOR STATES WITH EXISTING
12 COMMISSIONS.—In the case of a State which, pursu-
13 ant to section 101(c), is exempt from the require-
14 ments of section 101(a), the Commission may not
15 make a payment to the State under this section until
16 the State certifies to the Commission that its redis-
17 tricting commission meets the requirements of sec-
18 tion 101(c).

19 (3) EXCEPTION FOR STATE OF IOWA.—In the
20 case of the State of Iowa, the Commission may not
21 make a payment to the State under this section until
22 the State certifies to the Commission that it will
23 carry out congressional redistricting pursuant to the
24 State’s apportionment notice in accordance with a
25 plan developed by the Iowa Legislative Services

1 Agency with the assistance of a Temporary Redistricting Advisory Commission, as provided under the
2 law described in section 101(d).

3
4 (e) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as may be
6 necessary for payments under this section.

7 **SEC. 402. CIVIL ENFORCEMENT.**

8 (a) CIVIL ENFORCEMENT.—

9 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
10 torney General may bring a civil action in an appro-
11 priate district court for such relief as may be appro-
12 priate to carry out this Act.

13 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
14 TION.—Any citizen of a State who is aggrieved by
15 the failure of the State to meet the requirements of
16 this Act may bring a civil action in the United
17 States district court for the applicable venue for
18 such relief as may be appropriate to remedy the fail-
19 ure. For purposes of this section, the “applicable
20 venue” is the District of Columbia or the judicial
21 district in which the capital of the State is located,
22 as selected by the person who brings the civil action.

23 (b) EXPEDITED CONSIDERATION.—In any action
24 brought forth under this section, the following rules shall
25 apply:

1 (1) The action shall be filed in the district court
2 of the United States for the District of Columbia or
3 for the judicial district in which the capital of the
4 State is located, as selected by the person bringing
5 the action.

6 (2) The action shall be heard by a 3-judge
7 court convened pursuant to section 2284 of title 28,
8 United States Code.

9 (3) The 3-judge court shall consolidate actions
10 brought for relief under subsection (b)(1) with re-
11 spect to the same State redistricting plan.

12 (4) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (5) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

21 (6) It shall be the duty of the district court and
22 the Supreme Court of the United States to advance
23 on the docket and to expedite to the greatest pos-
24 sible extent the disposition of the action and appeal.

1 (c) ATTORNEY'S FEES.—In a civil action under this
2 section, the court may allow the prevailing party (other
3 than the United States) reasonable attorney fees, includ-
4 ing litigation expenses, and costs.

5 (d) RELATION TO OTHER LAWS.—

6 (1) RIGHTS AND REMEDIES ADDITIONAL TO
7 OTHER RIGHTS AND REMEDIES.—The rights and
8 remedies established by this section are in addition
9 to all other rights and remedies provided by law, and
10 neither the rights and remedies established by this
11 section nor any other provision of this Act shall su-
12 percede, restrict, or limit the application of the Vot-
13 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

14 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
15 this Act authorizes or requires conduct that is pro-
16 hibited by the Voting Rights Act of 1965 (52 U.S.C.
17 10301 et seq.).

18 **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

19 In this Act, the “State apportionment notice” means,
20 with respect to a State, the notice sent to the State from
21 the Clerk of the House of Representatives under section
22 22(b) of the Act entitled “An Act to provide for the fif-
23 teenth and subsequent decennial censuses and to provide
24 for an apportionment of Representatives in Congress”, ap-

1 proved June 18, 1929 (2 U.S.C. 2a), of the number of
2 Representatives to which the State is entitled.

3 **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**
4 **LOCAL OFFICE.**

5 Nothing in this Act or in any amendment made by
6 this Act may be construed to affect the manner in which
7 a State carries out elections for State or local office, in-
8 cluding the process by which a State establishes the dis-
9 tricts used in such elections.

10 **SEC. 405. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall
12 apply with respect to redistricting carried out pursuant to
13 the decennial census conducted during 2020 or any suc-
14 ceeding decennial census.

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